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## Road dust solutions elusive

By MICHAEL RICHESON—The Daily Inter Lake

Flathead County commissioners will adopt next fiscal year's budget in early September, and it's a safe bet that there won't be money earmarked for paving gravel roads.

"The commission hasn't changed any direction," Public Works Director David Prunty said. "No new paving."

Rising oil and fuel costs are crippling the Road Department's budget, state and federal mandates are growing more burdensome, and the county is likely to lose \$900,000 in federal money that was supposed to go to the Road Department.

"We try very hard to address the needs of the people out there," Commissioner Dale Lauman said. "The issue is money. Sometimes you'd like to do a lot of things you can't do."

Even if the county made sweeping cuts elsewhere in the budget and applied the money to road paving, there still wouldn't be enough money to pave a significant percentage of the county's 700 miles of gravel roads.

Depending on construction costs — which are steadily rising — the county would need about \$100 million to pave all its roads.

The following is a list of ideas — some are Band-Aids and others are longer-term solutions — on how the county might address the dust dilemma.

### Dust Deputy

The Montana Department of Environmental Quality fined the county \$29,000 in January 2007 for violating the state Clean Air Act.

To avoid the fine, the commissioners adopted a three-year Road Dust Action Plan that will cost about \$150,000 to implement. The plan requires the county to take "reasonable precautions" to prevent excessive road dust.

Along with posting more speed limit signs and completing a dust palliative program, the commissioners authorized the Sheriff's Office to hire a "dust deputy" who will cost the county \$60,000 this year.

Sheriff's Deputy Stewart Smith's sole job between May 1 and Oct. 31 is to patrol gravel roads and ticket speeders. In May, June and July, Smith issued more than 150 citations and 95 warnings.

Public response to the dust deputy has varied from praise to outright derision. Detractors say that spending \$60,000 to avoid a \$29,000 fine doesn't add up or that one lone deputy on patrol never will make a difference.



Road dust deputy Stuart Smith checks the speed on a passing car along a gravel section of West Valley Drive last week. Flathead County's "dust deputy", Smith patrols about 60-90 miles of gravel roads each day, reminding drivers to stay at or below the speed limit. Smith says the tactic is working as drivers are slowing down with his presence. Karen Nichols /Daily Inter Lake

For the cost of the dust deputy, the county could have treated another 17 miles of gravel roads with magnesium chloride, a chemical substance that helps reduce dust.

## Special

### improvement districts

Flathead County has been encouraging people to set up special improvement districts, which is a way for homeowners to get their roads paved.

The problem for these homeowners is that they have to pay for the costs in addition to the taxes they already pay.

Other counties have found this to be a successful model. Lewis and Clark County has more than 40 special improvement districts.

Some Flathead County property owners already have considered that option, only to find the costs are out of reach.

In April, Creston residents along Mennonite Church Road and Creston Road were stunned to find out that paving approximately three miles would cost them \$1,036,769. Actual construction costs were \$712,998, but county fees would cost an additional \$323,771.

Improvement districts raise a significant issue of fairness. Thousands of county residents live on paved roads and they didn't have to spend thousands of extra dollars to have them.

Those paved roads also are treated with overlays at no extra cost. The typical refrain concerning RSIDs is "Why should we have to pay when no one else had to?"

"Take the money you are spending on overlays, and use the funds to subsidize the SID program" Paul Abel, a farmer in Lower Valley, recommends.

Abel has a chart showing that 70 percent of county voters live in Evergreen, Somers, Lakeside and Bigfork, all of which have paved roads.

"They are bellied up to the gravy train," Abel said.

The idea of changing the county's overlay policy is nearly universal among people complaining about road dust. Abel said that "free" overlays should end. If people want their paved road to receive another layer of paving, they should have to form an RSID like people living on gravel roads.

"Instead of giving one segment of the population everything for free and telling the other segment they have to pay, they should make it more equitable," Abel said.

Another potential help would be to take part of the overlay budget and use the money for dust abatement on the worst roads. Less than 20 percent of the overlay budget would treat 100 miles of gravel road.

Prunty said that criticism leveled at overlays is legitimate, but he said if the county doesn't maintain the current infrastructure, everything is lost.

"You'd be robbing Peter to pay Paul," Prunty said. "Once a road starts to go, it goes. You've got to have a long-term vision of an asphalt road."

## Cost sharing

In next year's proposed budget, Prunty has \$100,000 set aside for a cost-sharing program with county residents.

The program is essentially an informal RSID, where landowners band together and pay for half the cost to place magnesium chloride or oil on their road. The county then would pay for the other half.

The matching funds, however, will only treat about 60 miles of the county's gravel road with one application. And when

summer rolls around the next year, landowners must again come up with money for their roads.

Mark Gluth, president of Flathead Citizens for Paved Roads, said the idea of sharing costs didn't sit well with him.

"If they work the same policy for overlays, everything would be peachy," Gluth said. "We're no less of a citizen than any of the people on paved roads. I don't know that they pay more taxes than anyone else."

#### Impact fees

When it comes to gravel roads, development is a key contributor to dust. As wave after wave of development swept the Flathead, traffic counts skyrocketed.

Dusty roads that for decades served just a few homes were suddenly inundated with traffic.

The county can force developers to pave roads within subdivisions, but commissioners don't have the power to require paving of gravel connector roads.

Flathead County lost a court battle when it tried to make Plum Creek pave three miles of a county road. Gallatin County also was trying to make developers pave county roads but had to stop when the state stepped in.

In an effort to make development help pay for itself, the state passed legislation that gave counties the ability to impose impact fees. The new law turned out to be bittersweet, though.

The legislation is so convoluted and difficult that even experts are left scratching their heads.

Flathead County recently suspended efforts to enact impact fees for roads and the justice center in the hopes that the 2009 Legislature can make impact fee laws more user-friendly.

Even if the law is cleared up and Flathead County adopts the fees, however, county officials have long maintained that impact fees are not the silver bullet. They will not suddenly give the county enough money to pave gravel roads.

#### License-plate fees

The county commissioners recently flirted with letting the public vote on increasing license plate fees. A \$15,000 vehicle would have cost an extra \$75 to register.

Most of the money raised by the new tax would have gone to the Road Department to make up for the \$900,000 it's likely to lose if Congress fails to renew Secure Rural Schools funding.

The county won't take the tax to the ballot this November, but it probably will come before the voters within the next two years. Flathead is one of the few counties in the state that does not charge the tax, and some people fear the chance for passing the tax is long gone.

"People who live on pavement won't vote for something that helps people who live on gravel," Gluth said.

Glen and Jean Hook, who live on Prairie View Road, said they wouldn't vote for the tax because they don't trust the county's ability to use the money wisely. The Hooks' view mirrors that of Gluth when it comes to politics and gravel roads.

"The constituents that make [the commissioners'] jobs possible don't live on gravel," Jean Hook said.

#### The Legislature

Before the last legislative session in 2007, Flathead County commissioners tried to lobby the Legislature for money to help with the county's roads. Their pleas earned little support.

Local representatives say that efforts to pass a bill to give money specifically to Flathead County probably wouldn't get very far.

"Everybody has a road project in their district," Jon Sonju,, R-Kalispell, said. "It's hard to get those into the governor's

budget."

Sonju serves as chairman of the Transportation Committee, and he has seen plenty of "dog and cat" bills get shot down.

A representative from Glendive once wanted \$2 million to pave a road that led to a prison.

"He had bipartisan support, and it still didn't get funded," Sonju said. "You see it over and over and over."

Both Sonju and State Sen. Verdell Jackson, R-Kalispell, said that the chances of Flathead County getting a windfall from the state in 2009 are slim to none.

#### Natural resources

Unless county residents are willing to watch their property tax bill skyrocket, the only real solution to the road dust issue is to find a funding source outside the county.

Commissioner Gary Hall said Flathead should look at Wyoming as an example of what to do when it comes to utilizing natural resources. Hall said Montana's neighboring state is able to rebuild every school more than 20 years old because of revenue from natural resources.

"Wyoming is a perfect example," Hall said. "We could get help if our state leadership were to open up more natural-resource use. The state's budget would increase and the surplus could be given to the counties. We need to start extracting more of our natural resources."

Sonju said he couldn't agree more.

"It is ridiculous that we are not developing our natural resources," Sonju said. "As a guy that analyzes tax policy, it's very frustrating. It's unfortunate because we could fund so much more."

Sonju said that it is up to Gov. Brian Schweitzer to get the ball rolling when it comes to utilizing the state's resources.

"Tell the people concerned about the dust to come to Helena and testify," Sonju said. "You'd be surprised how much traction people can get in front of a committee. People need to exercise that right. We hear from the bureaucrats all day long."

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